

## **Exhibit “A”**

Sheriff Number: 23025321 Court Case Number: 23-C-05393-S7  
 Date Received: 8/9/2023 Time: 2:49 PM  
 Special Service Inst:

State of Georgia  
 Gwinnett County

ATTORNEY'S ADDRESS

CHARLES WILLIAMS  
 PLAINTIFF  
 VS.  
 AUTO OWNERS INSURANCE COMPANY  
 DEFENDANT

NAME AND ADDRESS OF PARTY TO BE SERVED

AUTOOWNERS INSURANCE CO  
 CO CT CORP  
 289 S CULVER ST  
 LAWRENCEVILLE, GA 30046

SHERIFF'S ENTRY OF SERVICE

PERSONAL ☐ Sex \_\_\_\_\_ Skin Color \_\_\_\_\_ Hair Color \_\_\_\_\_ Age \_\_\_\_\_ Hgt \_\_\_\_\_ Wgt \_\_\_\_\_  
 I have this day served the defendant \_\_\_\_\_ personally with a copy of the within action and summons.

NOTORIOUS ☐  
 I have this day served the defendant \_\_\_\_\_ by leaving a copy of the action and summons at his most notorious place in this County.

Delivered same into the hands of \_\_\_\_\_ described as follows:

SEX	SKIN COLOR	HAIR COLOR	AGE	HGT	WGT

CORPORATION ☒

I have this day served the Auto Owners Insurance Company a corporation by leaving a copy of the within action and summons with Gene Richardson in charge of the office and place of doing business of said Corporation in this County.

TACK AND MAIL ☐

I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises designated in said affidavit, and on the same day of such posting by depositing a true copy of same in the United States Mail, First Class in an envelope properly addressed to the defendant at the address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the place stated in the summons.

NON EST ☐

Diligent search made and defendant \_\_\_\_\_ not to be found in the jurisdiction of this Court.

SPECIAL PROCESSCOMMENTS

Date: 8-16-23

Time: \_\_\_\_\_

A. Higgins 30541  
 Deputy Sheriff

E-FILED IN OFFICE - KMG  
CLERK OF STATE COURT  
GWINNETT COUNTY, GEORGIA  
**23-C-05393-S7**  
**8/1/2023 1:02 PM**  
TIANA P. GARNER, CLERK

**IN THE STATE COURT OF GWINNETT COUNTY  
STATE OF GEORGIA**

CHARLES WILLIAMS,	)	
	)	
Plaintiff,	)	23-C-05393-S7
	)	
v.	)	Civil Action No. _____
	)	
AUTO-OWNERS	)	
INSURANCE COMPANY,	)	
	)	
Defendant.	)	

**SUMMONS**

**TO THE ABOVE-NAMED DEFENDANT:** Defendant Auto-Owners Insurance  
Company  
c/o CT Corporation System  
289 South Culver Street  
Lawrenceville, Georgia 30046.

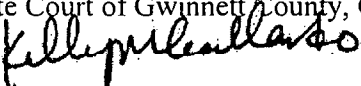
**You are hereby Summoned and required to file** with the Clerk of said Court and serve upon Plaintiff's Attorneys. Whose names and address are:

I. William Drought, III, Esq.  
Post Office Box 10186  
Savannah, Georgia 31412

**an answer to the Complaint that is served herewith served upon you, within 30 days after service** of this summons upon you, exclusive of the day of service. If you fail to do so, Judgment by default will be taken against you for the relief demanded in the Complaint.

This 1<sup>st</sup> day of August, 2023.

Tiana P. Garner, Clerk of Court  
State Court of Gwinnett County, Georgia

By:   
Deputy Clerk, State Court of Gwinnett County, GA



4. Defendant Auto-Owners Insurance Company can be served with process through its registered agent, CT Corporation System, at 289 South Culver Street, Lawrenceville, Georgia 30046.

5. Jurisdiction and venue are proper in this Court.

**FACTUAL BACKGROUND**

6. Plaintiff Charles Williams owns a house at 2548 Dry Dock Road, Metter, Georgia.

7. On September 2, 2021, Mr. Williams' home was significantly damaged by water as a result of a leak from an appliance.

8. Mr. Williams contacted Defendant Auto-Owners Insurance Company and notified it of the damage and that he sought compensation pursuant to his homeowner's policy with Defendant Auto-Owners Insurance Company.

9. Defendant Auto-Owners Insurance Company sent a claims representative, Larry West, to investigate the damage.

10. Mr. West found extensive damage to Mr. Williams' hardwood flooring that necessitated significant repairs.

11. Mr. West valued the damage at \$31,766.68.

12. Mr. West is an employee or agent of Defendant Auto-Owners Insurance Company, and Mr. West does not actually perform construction or remediation work for Defendant Auto-Owners Insurance Company's insureds.

13. Mr. Williams disputed the valuation of the damages.

14. Specifically, Mr. Williams obtained a quote for the repairs from Bud Fleming Construction for \$124,565.30.

15. Mr. Williams provided that quote to Jonathan Waters at Defendant Auto-Owners Insurance Company on August 23, 2022.

16. Mr. Waters did not adjust Defendant Auto-Owners Insurance Company's valuation of the property damage.

17. Defendant Auto-Owners Insurance Company refused to pay any amount above that calculated by Mr. West, wrote Mr. Williams a check in the amount of \$31,766.68, and ceased contact with Mr. Williams.

18. Mr. Williams did not cash that check.

19. Instead, Mr. Williams obtained quotes from contractors to make the repairs that Defendant Auto-Owners Insurance Company recognized needed to be made.

20. Mr. Williams contracted with the lowest bidder and made the repairs at his own expense.

21. Mr. Williams incurred \$71,955.06 in expenses making the same repairs that Defendant Auto-Owners Insurance Company admitted needed to be made.

22. \$71,955.06 represents the fair market value of the damage and necessary repairs.

23. Mr. Williams again demanded that Defendant Auto-Owners Insurance Company pay the fair market value of the cost to repair the damage, and Defendant Auto-Owners Insurance Company refused to make payment.

24. Defendant Auto-Owners Insurance Company's continued refusal to pay the fair market value cost of repairs necessitated this lawsuit.

**CAUSES OF ACTION**

**Count I**

**Breach of Contract**

25. Plaintiff repeats and incorporates by reference the preceding paragraphs as if fully

set forth herein.

26. Mr. Williams and Defendant Auto-Owners Insurance Company have a valid contract in which Defendant Auto-Owners Insurance Company is obligated to pay the fair market value of the loss, less the deductible, for the damages Mr. Williams incurred on September 2, 2021.

27. Defendant Auto-Owners Insurance Company has refused to pay Mr. Williams the fair market value of the loss, which constitutes a breach of contract.

28. As a foreseeable and proximate result of Defendant Auto-Owners Insurance Company's breach, Mr. Williams has sustained damages in an amount to be determined at trial.

29. Plaintiff has been forced to incur attorneys' fees and litigation expenses due to Defendant Auto-Owners Insurance Company's breach, and he is entitled to recover those fees and expenses pursuant O.C.G.A. § 13-6-11 for Defendant Auto-Owners Insurance Company's bad faith, stubborn litigiousness, and for causing Mr. Williams unnecessary trouble and expense.

30. Additionally, Plaintiff is entitled to pre-judgment interest pursuant to O.C.G.A. § 7-4-15.

#### **PRAYER FOR RELIEF**

Wherefore, the Plaintiff prays:

- A. That Summons be issued and served upon the Defendant in this matter, along with this Complaint;
- B. That Plaintiff has judgment against the Defendant for general and specific damages to include, but are not limited to, those set forth in this Complaint;
- C. That this matter be tried by a jury;
- D. That all Cost of Court be taxed against the Defendant;
- E. For such other and further relief as this Court deems just and proper.

Respectfully submitted this 1<sup>st</sup> day of August, 2023.

OLIVER MANER LLP

/s/ I. William Drought, III  
I. WILLIAM DROUGHT, III  
Georgia Bar No. 411837

P.O. Box 10186  
Savannah, Georgia 31412  
(912) 236-3311

*Attorneys for the Plaintiff*



IN THE STATE COURT OF GWINNETT COUNTY  
STATE OF GEORGIA

CHARLES WILLIAMS,

Plaintiff,

v.

AUTO-OWNERS  
INSURANCE COMPANY,

Defendant.

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Civil Action No. \_\_\_\_\_

**CERTIFICATE UNDER RULE 3.2**

Pursuant to Rule 3.2 of the Uniform Superior Court Rules of Georgia, I hereby certify that no case has heretofore been filed in the State Court of Gwinnett County, Georgia involving substantially the same parties or substantially the same subject matter or substantially the same factual issues that would require the Complaint in the above-styled case to be specifically assigned to the Judge to whom any other such action was or is assigned.

This 1<sup>st</sup> day of August, 2023.

OLIVER MANER LLP

/s/ I. William Drought, III  
I. WILLIAM DROUGHT, III  
Georgia Bar No. 411837

P.O. Box 10186  
Savannah, Georgia 31412  
(912) 236-3311

*Attorneys for the Plaintiff*

E-FILED IN OFFICE - KMG  
CLERK OF STATE COURT  
GWINNETT COUNTY, GEORGIA  
23-C-05393-S7  
8/1/2023 1:02 PM  
TIANA P. GARNER, CLERK

## General Civil and Domestic Relations Case Filing Information Form

☐ Superior or ☒ State Court of Gwinnett State Court County

## For Clerk Use Only

Date Filed \_\_\_\_\_  
MM-DD-YYYY

Case Number \_\_\_\_\_

## Plaintiff(s)

Williams, Charles

Last	First	Middle I.	Suffix	Prefix
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

## Defendant(s)

Auto-Owners Insurance Company

Last	First	Middle I.	Suffix	Prefix
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Plaintiff's Attorney I William Drought

State Bar Number 411837

Self-Represented ☐

Check one case type and one sub-type in the same box (if a sub-type applies):

## General Civil Cases

- ☐ Automobile Tort
- ☐ Civil Appeal
- ☐ Contempt/Modification/Other Post-Judgment
- ☐ Contract
- ☐ Garnishment
- ☐ General Tort
- ☐ Habeas Corpus
- ☐ Injunction/Mandamus/Other Writ
- ☐ Landlord/Tenant
- ☐ Medical Malpractice Tort
- ☐ Product Liability Tort
- ☐ Real Property
- ☐ Restraining Petition
- ☒ Other General Civil

## Domestic Relations Cases

- ☐ Adoption
- ☐ Contempt
  - ☐ Non-payment of child support, medical support, or alimony
- ☐ Dissolution/Divorce/Separate Maintenance/Alimony
- ☐ Family Violence Petition
- ☐ Modification
  - ☐ Custody/Parenting Time/Visitation
- ☐ Paternity/Legitimation
- ☐ Support – IV-D
- ☐ Support – Private (non-IV-D)
- ☐ Other Domestic Relations

- ☐ Check if the action is related to another action pending or previously pending in this court involving some or all of the same: parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number \_\_\_\_\_

Case Number \_\_\_\_\_

- ☒ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in OCGA § 9-11-7.1.

- ☐ Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

Language(s) Required \_\_\_\_\_

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.